

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KING COUNTY, WASHINGTON,
IOWA STUDENT LOAN LIQUIDITY
CORPORATION, etc.,

Plaintiffs,

v.

IKB DEUTSCHE INDUSTRIEBANK, AG,
IKB CREDIT ASSET MANAGEMENT,
GmbH, MOODY'S INVESTORS SERVICE,
INC., MOODY'S INVESTORS SERVICE
LIMITED, THE MCGRAW HILL
COMPANIES, INC. (d/b/a STANDARD &
POOR'S RATINGS SERVICES), FITCH,
INC., MORGAN STANLEY & CO.
INCORPORATED, MORGAN STANLEY &
CO. INTERNATIONAL LIMITED,
WINFRIED REINKE and STEFAN
ORTSEIFEN,

Defendants.

**NOTICE OF RENEWED
MOTION TO DISMISS BY
STEFAN ORTSEIFEN**

Civil Action No. 1:09-cv-08387-SAS

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P., Rule 8(a), 9(b), 12(b)(2) and 12(b)(6), the Opinion and Order of this Court filed May 4, 2010 (Court document 102), and the Stipulation and Order filed September 2, 2010 (court doc. 143), defendant Stefan Ortseifen hereby renews his motion for an order and judgment dismissing this action and all claims asserted in it against him, and granting to him such other relief as is just. This renewed motion is being made returnable on November 9, 2010, at Courtroom 15C, 500 Pearl Street, New York, NY 10007, and will be heard, if oral argument is permitted, at a date and time to be determined by the Court.

This renewed motion is made upon all of the motion papers filed previously in this litigation in support of Mr. Ortseifen's motions dated February 3, 2010 and March 23, 2010, which include court documents 51, 52, 53, 80, and 81, filed under Civil Action No. 1:09-cv-08387-SAS; and court documents 78, 79, 80, and 91, filed under Civil Action No. 1:09-cv-08822-SAS. This renewed motion to dismiss is also made upon the following additional motion papers: (1) Affirmation of Stefan Ortseifen, dated September 8, 2010; (2) Affirmation of Thomas S. Wiswall, dated September 13, 2010; (3) Supplemental Affirmation of Thomas S. Wiswall, dated September 13, 2010; (4) Memorandum of Law, dated September 13, 2010; and (5) all other papers filed in this litigation that are relevant to the issues raised herein.

As stated in detail in the supporting papers, this renewed motion is made on the grounds that the Court lacks personal jurisdiction over Mr. Ortseifen; there is no sufficient basis for the assertion of personal jurisdiction over him in this action; and plaintiffs' first amended consolidated complaint (court document 115) fails to state a claim upon which relief against Mr. Ortseifen can be granted.

The undersigned hereby certifies that the pre-motion letters required by § III.B. of this Court's Individual Rules and Procedures have been exchanged.

Oral argument is requested.

Dated: September 13, 2010
Buffalo, New York

Respectfully,

PHILLIPS LYTTLE LLP

By /s/ Thomas S. Wiswall
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